

AMESBURY PLANNING BOARD
AMESBURY CITY HALL
62 FRIEND STREET
April 22, 2013

Meeting is called to order at 7:05 P.M.

MEMBERS PRESENT: Howard Dalton, Chair, Ted Semesnyei, Karen Solstad, David Frick, David Dragonas, Stephen Dunford, Ara Sanentz.

MEMBERS ABSENT: None.

ALSO PRESENT: Nipun Jain, City Planner, Paul Bibaud, Recording Secretary.

MINUTES:

November 26, 2012 Motion by Ted Semesnyei to approve with amendments. All in favor

December 17, 2012 continued

January 14, 2013 continued

March 25, 2013 continued

SIGN APPLICATION:

SmartMart Auto – 41 Hillside Ave.

Motion by David Frick to continue to the next meeting. Motion is seconded by Stephen Dunford. Vote was unanimous.

CONTINUED PUBLIC HEARINGS:

SITE PLAN REVIEW- 39 HUNT ROAD (DPW FACILITY)

David Potter, senior product engineer for Pare Corporation, doing the civil site design for the DPW project. Also with me is Mike Rongione, project manager and head structural engineer.

Last meeting was March 25. We went over the projects, gave an overview of proposed work to be done, existing conditions. One question from the board at that meeting was what was going on at the west property line? There was a request for more detail there. We put together some information and provided three exhibits showing an aerial plan of the area, an elevation that was requested, and more detail on the plan concerning storm water screening. First, other activities going on: on April 8, we sent a letter to the board with a revised set of plans. Reason being, we met with Conservation Commission on April 1, as part of our Notice of Intent hearing, and the Conservation Commission asked a question about the storm water infiltration system on the north side of the property. There is a draw down valve used for maintenance purposes that was about 30 feet or so into the wetland. That was removed at Conservation Commission's request and relocated to another location closer to the property line. That removed all the work we have outside of the buffer zone. That change is seen in the revised plans. We also worked on a revision to the location of the truck wash facility. It was originally proposed as an addition to the main part of the building but will now fit within the main building footprint. This is reflected in the revised elevations that we've provided. Another change is: there are a few additional trees added, balsam firs, for additional screening between the site and the wetland. That is the extent of revisions on the April 8 plan. For the west screening area, it shows an aerial view of the western property line. It is thickly vegetated there. We propose an infiltration basin here to replace the existing infiltration basin, which is being removed to clear space for a parking area. The runoff will be directed to the new infiltration basin. The screening of the perimeter of the property consists of trees lining the

western border, in addition to a chain link fence around the perimeter of the property, six feet tall, black vinyl coated for additional screening. The storm water system shows the pattern of the storm water runoff system. In the parking area, runoff will flow west towards a curb, collected by a catch basin. No runoff from the paved area is collected in the infiltration basin. The only runoff going into the infiltration basin is the roof runoff. The infiltration system is equipped with a catch basin in the middle, designed to take runoff going into the infiltration system up to the 100 year storm, without overflowing. For safety, we looked at the scenario of what if the catch basin wasn't working? So we graded a one foot deep swale along the property line to convey this runoff which would travel north down to the wetland on that corner.

David Frick: One concern would be lighting. Is it all going to be down lighting?

David Potter: Yes. We submitted a photometric plan with the package that shows the brightness at property lines, all cut off fixtures designed to shoot down without shining onto abutter property.

David Frick: The hollies, would they be substantial, like 3 feet high?

David Potter: Yes. The trees will grow to 5-6 feet tall.

Nipun Jain: There was an existing building on the site. The landscaping along the front is already in compliance with the site plan standards. No new driveways are being proposed, it is all internal circulation. Erosion control and storm water plans were reviewed by Conservation Commission, who issued an Order Of Conditions, so environmental compliance is in place. Lighting is in compliance, as well as screening and landscaping shown on the revised landscaping plan.

Lars Johannessen, 6 Kendricks Court: Have there been any waivers granted for this, at this point, and are there cape cod burms on the property?

David Potter: No waivers were needed and there are cape cod burms on the property.

Lars Johannessen: I thought everything was supposed to be sloped granite in parking lots there, unless waived by the board?

Howard Dalton: In the industrial area, don't we just require granite on entrances and parking?

Nipun Jain: Yes, in areas where you have parking and where you have driveway entrances and driveways that are used frequently.

Rob Desmarais, director of DPW: The existing parking lot is all sloped granite. The entrance from the existing parking lot to the lay down yard is granite, and it has a curb around it to contain the drainage, but that's all yard work. You wouldn't want sloped granite there, it'd get damaged. The rest is bituminous. That's the practice.

David Potter: There are two separate parking areas. The main entrance brings visitors and employees to the main parking area, which is all sloped granite curbing. There's a fence that separates the visitor section from the DPW section. We have an edging proposed for material lay down area, so they will drive there frequently.

Motion by David Dragonas that the board votes on a waiver to allow the bituminous vs. the granite. Motion is seconded by David Frick. Vote was unanimous.

Motion by David Frick to close the public hearing. Motion is seconded by David Dragonas. Vote was unanimous.

Motion by David Frick to approve 39 South Hunt Road DPW facility contingent upon the review of storm water by an outside concern. Motion is seconded by David Dragonas. Vote was unanimous.

SITE PLAN REVIEW / (2) SPECIAL PERMITS- 95 HAVERHILL ROAD (SHAHEEN)

Nipun Jain: We are waiting for one more board member who has sat in on previous meeting discussions. There is a site plan review and two special permits. The board has in their packages the final signoffs from the Conservation Commission and the Planning Board consultant on storm water and drainage. In summary, the board's and Conservation Commission's consultants have signed off on the

environmental reviews and storm water reviews. At this time, any outstanding comments are all addressed and have been closed by the board's review consultant. I presented our statement of findings to you for consideration on the site plan and special permits. We do have the applicant to give you an overview of the revisions or modifications that they made in response to comments from the consultant. **Fred Ford**, Cammett Engineering: After we left our public hearing with the board last month, we went back to Conservation Commission with some minor modifications to the drainage design, based on their peer review consultant. It was adjusting calculations rather than anything in the design of the system. The design stayed essentially the same. They wanted us to review some of the assumptions we made in the design regarding runoff values. We made those adjustments to the calculations based on their recommendations. It didn't impact design of the infiltration basin, it changed a couple outlet elevations on the outlet structure. Otherwise, it is essentially what we presented to you initially. So the plans haven't really changed from what I presented to you at the initial public hearing.

David Frick: We have a gentleman abutter here who is concerned about water runoff onto his property today. Could you talk about this particular development you're proposing for Shaheen, and talk about how it will or will not affect the drainage to the front or to Haverhill Road?

Fred Ford: Currently, all the runoff from the building goes to the north, away from Haverhill Road. Where the addition is proposed, all runoff will be to the north, away from Haverhill Road.

David Frick: Has there been any look into whether the drainage to the front has a problem? This gentleman seems to feel there is a problem there, and I wonder if there is a way to look into this to help him out, even though it is not pertinent to this addition.

Fred Ford: I've talked to the town engineer, who has been out to look at this drainage outfall onto this gentleman's property, and for whatever reason, can't seem to find it. We haven't investigated that, since we are not impacting anything to the front.

David Frick: I just wanted to note that this drainage and the discussions you had does have the drainage leading to the north, and will not impact the front area whatsoever.

Howard Dalton: Have you passed this by the Conservation Commission as is and if so, are they happy with it?

Fred Ford: Yes we have. They've actually issued an Order Of Conditions at their April meeting.

Nipun Jain: I just passed out a memo from the peer consultant dated March 29, 2013, that reviewed this supplemental information that the applicant provided in response to the initial review. You will note that, based on the supplemental information that was provided by the applicant, the board's peer review consultant believes that those comments have been addressed.

You will also see another memo that was provided on the environmental review by BSC dated March 20, 2013, that outlined some recommendations for buffer zone and wetland mitigation plan on page four, which will be incorporated into the Order Of Conditions as well as the board's decision.

Abutter **Anthony Iannuccillo** tonight presented the board with a letter he authored regarding numerous points he wishes to make regarding this project and his claim of ongoing runoff coming onto his land in storms. Nipun Jain makes a copy of the multi page letter for each board member and for Fred Ford.

Stephen Dunford says he wrote some questions and mailed them to Fred Ford, but Fred didn't get them until today, so Stephen requested to ask the questions directly tonight. The questions have all been gleaned from conversation in previous meetings. 1. Are there other permits that Shaheen Brothers has in the pipeline that will come later?

Fred Ford: No, we have no other projects that we're permitting right now.

Stephen Dunford: The addition of the freezer facility will not add any more water flowing towards Haverhill Road?

Fred Ford: Correct .

Stephen Dunford: All the new runoff will be directed to the north and not Haverhill Road?

Fred Ford: Yes. It will be directed to the infiltration basin in the back discharging to the north.

Stephen Dunford: And that pool has been approved by the Conservation Commission?

Fred Ford: Correct.

Stephen Dunford: What is the current make up of vehicles coming in and out of the facility? Rough number for vehicles and types, such as semis, etc.?

Fred Ford: We had submitted data on that and discussed it at the initial public hearing, but I'll summarize. The construction of this freezer addition isn't going to change the current pattern or number of truck vehicles per day. The breakdown is: Shaheen trucks leave the facility on an average daily basis, Monday through Friday, you can expect 8 to 11 trucks. Wed. approximately 9 trucks, Tuesday and Friday are 10-11 trucks. Those hours start at 5 A.M., on Friday one truck starts at 3 A.M., and all other trucks are anywhere from 5:00 A.M. to 6:30 P.M. every day.

Inbound delivery trucks bringing products to the facility: from Monday through Friday, it averages anywhere from 8 to 16 trucks a day, with receiving hours being anywhere from 6 A.M. to 3 P.M. So there will be no additional truck traffic. It'll stay the same as it is currently.

Nipun Jain: For the record, we have received a letter from abutter Anthony Iannuccillo in regards to the application being discussed. I just handed out copies of this letter to the board and they are reading it.

Howard Dalton: Since we just got this letter today and we had asked for a two week lead time on this, it being a very detailed legal letter which none of us are trained to read or respond to, so we're going to extend this hearing until the next meeting, we'll send this letter to our town counsel and let him handle it. That's how this will end for tonight. So the meeting will be May 13, providing we get an answer back over that period of time.

Nipun Jain: He can get it, the only thing I would ask the applicant is, would that be the preferred meeting, or...

Fred Ford: As applicants, we're required to get material in on time for the board for a specific meeting date. I believe you gave this gentleman a deadline to get information to the board so we could have time to address his concerns, and now he's just handing this out tonight, which means we're continuing our project on, delaying us even further.

Howard Dalton: Well, it's either that or the other alternative is to not take this into consideration and then have an appeal, which will take longer than getting an answer for it from town counsel. I'm sorry, but it's the game he's playing.

Stephen Dunford: I would like to comment that there are things in this letter, and I've only read it just now, which are basically hearsay. I'm reading: "It should be noted, over the years, the neighbors on Kimball Road have frequently complained because of noxious emissions that emanated from continuously idled diesel trucks on the corporate premises. All the very large trucks, trailers etc. that deliver all appear to be diesel fueled and continually idle for long periods. The neighbors that have complained have also expressed frustrations since the problem is attended to initially but continues to occur shortly thereafter."

I'm an engineer. There are two basic rules of thumb that we look at. The first one is "due care" and the second is "due diligence."

Due care is acting like a prudent man would do. A prudent person example would be, if I was requested to deliver some questions by a certain date, I would do that. I wouldn't deliver it literally at the last second, since we just got it now. The second thing is "due diligence."

Basically, that means you do all the steps that a reasonable person would do. If a reasonable person had written this letter using due diligence, they would've taken the time to incorporate the complaints by the neighbors, etc. So my personal opinion, is that this letter should not be accepted because it was delivered after the date that we requested a week period, making it last Monday, but we just received it today.

There are innuendos in this letter. You claim the bigger freezer will create more trucks, more deliveries. That is not what the applicant claims. The applicant states that no change will occur in that schedule. I would like to move that we do not accept this letter.

Howard Dalton: I agree with you. All this is doing is putting a hardship on Shaheen Brothers, and it could keep going and going each meeting.

Stephen Dunford: Well, on the table now is a motion. I motion that we do not accept the letter.

David Frick: Well, It's a public hearing. It's open. We have to accept any public comment that comes. We can't NOT accept it. That's just a matter of a public hearing. That is my personal opinion. We can look at this and decide, for instance, that on all the storm water stuff, we've had the consultants look at it and tell us that there's not going to be anymore storm water. We've had Shaheen Brothers tell us there is not going to be any more trucks. So those things, while there may be trucks there, and those may not be liked by the abutters, those are not pertinent to this particular addition. So those are things we have to consider. Then I would consider whether the applicant would prefer us to go ahead if he felt comfortable with things in here that we disagree with, the problems that they say are there, and whether he'd like us to go ahead or he'd rather wait to have it reviewed. I would leave it to the applicant to decide.

Peter Shaheen, co-owner of Shaheens with his brother: I would prefer that the board go ahead tonight. I've read through the letter quickly. I don't see anything factual in the letter. What it seems to do is just ask a lot of questions and raise some procedural issues, but we've complied with the city's procedural issues, and spent thousands of dollars on consultants brought in to verify that what we've put before the board is accurate. Nowhere in this letter calls any of that into question...just innuendo. This board last meeting asked Mr. Iannuccillo to come in with facts to support his complaints. There are no facts. Bringing it in at the last minute basically is ambushing us. We haven't had a chance to address this. That's not fair. What is fair is what we've been doing: going through the public process, submitting to the board the information asked of us, sharing it with the public. That's what is fair...doing this is not fair. What I'm asking the board is, you can take the letter. It's a public meeting and he can say what he wants to say. But I would ask you to consider what's being said, consider the facts. I'm asking for a vote. The reason I'm asking for a vote is because, as we get deeper into the year, this becomes a bigger problem for us, if we're going to be able to meet our construction schedule. I'm not trying to put you in a difficult situation, my intent is to move this forward, because as Mr. Dalton said, this can go on forever. Thank you.

Karen Solstad: It has been a perpetual problem for the years that I've been on the board that applicants and consultants have often come in with paperwork at the very last minute. It happens all the time, and we are constantly put in the quandary of, we have these rules and regulations of submitting paperwork in a timely manner so we can review it so that our professionals in town management can review it and consultants can review it. The discussion comes up at least every six months over problems with applicants coming in with paperwork late, then crying that their project won't happen because the board can't act on it immediately. So it's not just one citizen that comes in with late paperwork, it's applicants on a regular basis. We have piles of technical stuff thrown at us by applicants. We did ask the gentleman to put his package together in two weeks. Part of me thinks a professional company with many people can produce paperwork a bit easier than a private citizen, and I debate whether a little more wiggle room be granted. I don't want to let it stand on the record that this letter is filled with nothing but innuendo because I haven't had the time to read it. So I think I need the time to do my due diligence to read this. From what I've heard from this abutter over several meetings is that there does seem to be a problem with water discharge onto his property that he alleges seems to come from across the road. I don't know if this is a problem from 20 years ago that's never been mitigated, but I won't say that all of this is just innuendo. So I can't trust your synopsis that there is nothing but innuendo in this letter. I think we need some time.

Howard Dalton: I don't because it was handed to us at the meeting. We asked this gentleman to give it to us two weeks ago. Had he given it to us even two days ago, we could've read it. This is a ploy to keep delaying this project. These gentlemen have done their due diligence, they've come in and put in their stuff on time and come in when we asked them to. I don't think they should be penalized. We could get

letters every meeting. We asked him to put his concerns in writing, not to write a legal epistle.

Stephen Dunford: I would like to point out one thing: the water drainage toward Haverhill Road has been shown by the runoff and several of the other engineering drawings, that all the water literally goes in the other direction. So this permit is for this addition. It is not for the overall system of the Shaheen facility. We're looking at this site plan review and special permits for the freezer facility and is it going to impact not only water going to Haverhill Road, and it appears there is no additional water going there, it's going in the other direction, but also to see that the overflow has been approved by Conservation Commission, which it has. The Conservation Commission also asked Mr. Iannuccillo for his concerns, but they were never presented, as per what the admin of the Planning Board told me yesterday. So even if it's true that there is water coming off towards the abutter's property, and I have no evidence of that, has no impact on the freezer facility that is being proposed right now. So this letter is basically a delaying tactic that I do not think should be looked at. Time and time again, this group has provided all information in a timely manner.

If this goes into appeal, then it goes into appeal.

Ted Semesnyei: There seem to be parallel issues here. We're talking about an addition project here, but the gentleman is talking about a larger overall question concerning runoff problems with the property. Is it possible to move forward with a vote tonight, with the understanding that this will be looked at by counsel or planning staff, and if anything comes up, and that if anything comes up during the review of this, that somehow could come back into play down the line, even though we've moved ahead with the vote here. Addressing what Karen mentioned, it's true that unfortunately it's a regular occurrence that we oftentimes have debates here, and it again brings up something we need to address, and a number of times we accept late information. We've brought this situation on ourselves in a lot of ways, but this is not just an addition here, its a broader issue about complaints about the property. I'm not sure how the larger problems posed by the abutter about the overall site, how that should affect any potential acceptable additions, whether they're completely separate or how we need to proceed here. That's why I'm suggesting maybe we could vote on just the addition, with the understanding that these larger issues will, at a minimum, be reviewed by somebody in the town...

Howard Dalton: Are the drainage issues tied just to that addition. That building had been reviewed before and at this point, he's not going to be responsible for re-doing his whole building just to make one abutter happy. This could be full of red herrings, too. Some of these zoning questions could be one man's interpretation of what he wants to see. We can have someone review it, whether the mayor will pay for it, I don't know. But as far as developers coming in late with paperwork, it's a little different. If a developer hands you new information at the last minute, you can put him off because its his own fault. If Mr. Shaheen had walked in at the last minute and handed us new drainage calculations, then he wouldn't be surprised if we said it will take us two weeks to review these. But when an abutter comes in with a letter that's out of the blue and hands it to us at the meeting, I don't think we can automatically penalize the applicant, especially when we asked for that information two weeks before the meeting, over a month ago.

Ara Sanentz: I'd like to second Stephen Dunford's motion. I'd like to move for a vote for rejecting the letter.

David Frick: I'd like to have some discussion about that. I think you are just setting yourself up for a problem. I think we have to accept the letter, and then if you choose to ignore it, then you choose to ignore it. This is a public hearing. How can you not take his letter? You've got to accept it, like you have to accept anything else. So I think we have to accept it because it was approved by Conservation Commission. I think we just make a decision to move forward, is my recommendation.

Howard Dalton: I agree.

Stephen Dunford: I would like to withdraw my proposal to not accept the letter, and continue in the order that Mr. Frick suggested.

David Dragonas: Motion that we close the public hearing on 95 Haverhill Road. Motion seconded by Stephen Dunford. Vote was 6 for and one dissent (Solstad).

Nipun Jain: Looking over the letter myself, trying to identify specific questions that the technical staff can assist you with, there are 4-5 broad headings under which some of the concerns raised here essentially are outlined. If you may, I can quickly summarize what I think is the tenet of this letter and those headings. Primarily, it is related to storm water issues and as Mr. Frick indicated, the project has been reviewed by Conservation Commission through its peer review consultant for the impact of runoff and proposed storm water mitigation plan and management plan. That's why I pointed out earlier in this meeting that there is a memo from their review consultant indicating that, under the storm water regulations MassDEP, those requirements have been met. It is in compliance with those regulations. The other heading was the environmental aspects re: wetland resources. I indicated earlier that based on a memo from Conservation Commission peer review consultant, they have reviewed the project under the Ma. Wetlands Act regulations, as well as local regulations, and find that the project as proposed would be in compliance. Now, there might be disagreement, and that is ok with the abutter, and they can make their own case, but from Conservation Commission's perspective, they have issued an Order of Conditions (OoC) with the informed decision and finding that the storm water and the environmental regulations have been complied with. The third aspect was relative to traffic and pedestrian circulation. The proposed project is essentially an addition of storage space in the form of a freezer. Part of it is to remove an existing freezer and replace it with a larger, more efficient freezer. That is just the nature of pre-packaged food. That is what they need to do to expand their business. That does not involve, as explained in the application, any addition of usable space where human capital would be involved, as far as office space. It is just storage space for more product, but involve the same number of people working. The Planning Board is working off the information provided in the application. Based on that information, it doesn't appear that there would be significant increase in the number of employees that would then lead to increase in the number of cars or any truck traffic, which would then lead to traffic circulation issues. The fourth point was relative to what kind of freezer, what size, what kind of refrigerant is to be used. Those are building code issues, to be addressed at the time when the applicant requests a building permit. Under the board of health, that information, the building inspector, plumbing, and the HVAC sign offs would be provided, along with detailed construction documents, which can be reviewed independently or in house by the permit granting authority for building permits and other permits for construction. The next point in regard to pre-application meetings which Mr. Frick talked about, that it is clearly stated in the Amesbury Zoning Bylaws, that an applicant has a choice to come before the Planning Board to discuss their development proposal. It is held in an open meeting forum but is not a public hearing. A public hearing would be duly notified to any abutters, as required under both local and state laws. That was a discussion in a public meeting, afforded to the applicant so that they can discuss their project and how that project will either meet standards or if there are other concerns that Planning Board or the city may have, based on the project proposal. If there are additional concerns that any abutters have, those are to be discussed during the public hearing process. That is when the Planning Board invites the public to make comments. That is essentially what we are discussing right now. So the pre application conferences were held in compliance with the provisions of the Amesbury Zoning Bylaw and there is no legal basis for the Planning Board members to recuse themselves from any future deliberation, because they are an independently elected board and are working under the provisions of the Amesbury Zoning Bylaw and other strict provisions. As far as the requirement of application completeness, we believe the official copies were signed and as noted in the public hearing tonight, the applicant's engineer has verified that they have been signed. So I'm not sure which copy was received by the abutter (letter writer), but on the record, the applicant's engineer has stated that they are all signed. If there was an oversight, we can certainly ask that those copies be certified as part of the Condition of Approval. That is a matter of signature, it does not change any information contained

within that document. This brings me up to the last issue in the letter. It appears that the intent of the comment on the last page of the abutter letter was that the consultants are somehow working for the applicant and not for the board. The contract is between the Planning Board or Conservation Commission and the consultant for the project, which in this case is BSC Group out of Boston. They are independent. They work only for the board, but that does not prohibit them from asking questions of the applicant if they have a question. The memos are issued to the respective board for which the consultant is working. That's what you have before you. The letters are addressed and serve the purpose of reviewing the information that is before the board. But they do have to interact with the applicant if there is a need to clarify anything in the application. I believe that is always the way for any application. I believe I've addressed all the questions in this abutter letter. That is how you can take that into consideration as far as the issues in this letter.

David Frick: *Motion that we approve this application, the site plan special permits as amended for the proposed expansion of the existing facility 95 Haverhill Road in Amesbury, subject to the findings and conditions noted in the conditions that Mr. Jain gave us today. Motion is seconded by David Dragonas.*

Ted Semesnyei: I'd like to mention, we closed the public hearing, but I think it would be wise to give the abutter a three minute hard deadline to speak, to respond to everything we discussed tonight with regard to his letter submitted and follow up discussion. I don't believe we've actually given him the opportunity to do that. I'd like to add that.

Abutter: Anthony Iannucillo: What I put in that letter is fact. Mr. Ford prepared plans dated February, 2013. You'll find that my reference is to his plans. Two sheets in those plans make reference to a stone trench that runs along the westerly side of this property. The stone trench was found in the map of November, 1987. I suspect Mr. Ford is aware of the map because he identifies the stone trench identical to the way it was identified in the map of 1987. I did hear something about a truck or trucks. I think Mr. Dunford broached the subject of trucks and traffic. I analyzed the single sheet that is in the narrative that was prepared by Mr. Ford. That sheet shows trucks delivering only five days a week, interesting because last night (Sunday Apr.21, 2013) at 9:15 P.M. they had a delivery truck drives into premises. The truck was a huge tractor trailer truck. There is nothing in that narrative that talks about anything other than five days. But the business runs seven days a week. Late Saturday afternoon they stop, then they pick up again on Sunday afternoon. They go all day and all night. My wife and I have only one concern here. We have water coming down into our property. There is no doubt in my mind, and I think Mr. Ford and the Shaheens know that the trench, looking at their maps, Mr. Ford characterizes it because that runs right to the manhole in the front of the property. That's where the Mass Dept. of Public Works put in their drain. All these years, we've had water there. We thought it was coming from the natural flow because the property at 96 Haverhill Road was always considered the "great swamp." So we figured this was a natural flow coming down. But this is not natural. I learned for the first time from Mr. Young who represented the applicant when he broke down his narrative into four sections. One of the four sections led me to find out what this was all about. I have found out quite a lot about what it is all about. I showed most of it to you right here. Everything in that is not a conclusion. Everything in that letter is based on fact.

The plan of 1987 has a specific note that says "you cannot tie into the Ma. Dept. of Public Works drain unless you get permission from the state." I haven't inquired from the state, at this point in time. But I don't believe there is any problem getting the information, if and when it becomes necessary. The plan is available. The Amesbury public works dept. has the plan. I suspect the applicant here, because that engineering firm worked for the applicant.

Ted Semesnyei: Thank you very much, sir. We appreciate those comments.

Anthony Iannucillo: I didn't hear what the vote was in this connection?

Howard Dalton: We haven't made it yet. We have a motion and a second. Any further comments from

the audience or the board?

Karen Solstad: I have one question. Fred, maybe you can answer it. The stone trench that your abutter has referenced, does it drain back into the wetlands, or where does that drainage hook up into.

Fred Ford: It is an existing stone infiltration trench right along this westerly part of the site. There is a manhole structure in the middle of it, which looks like an infiltration structure. Where that drains, I don't know. Without digging it up, we wouldn't be able to figure out where that goes. But it's an existing condition.

Karen Solstad: So we don't know whether that drains towards the back or if it does drain to the catch basins out front?

Fred Ford: This is lower, about two feet lower than this area, so the assumption would be that it drains somewhere other than out to Haverhill Road. It may be just a stone filled trench with no pipe on the bottom directing drainage anywhere.

David Frick: Is the water flow that will come off this addition going to go into that trench?

Fred Ford: No. The runoff from this addition is being picked up by gutters and taken out to the basin in the back.

Howard Dalton: OK, we have other people waiting here, so, anything else?

David Frick: *Let me just make an amendment. I was reading the decision that had been written for us, and it has the wrong address. It states it is 56 Haverhill Road when in fact it is 95 Haverhill Road. I'd like to make that amendment. The amendment was seconded by David Dragonas.*

Howard Dalton: *All those in favor of the motion as amended: vote was unanimous.*

PRE-APPLICATION CONFERENCE:

241 + 243 Main Street – Cumberland Farms (Smolak)

John Smolak, attorney from Smolak and Vaughn, representing applicants Gresham, Brown and Crowley. With me is A.J. Barbatto of Gresham, Brown and Crowley, who is the vice president of Gresham, Brown and Crowley and project manager. Also with us is Lou DeStefano of Bohler Engineering, who is our project manager. Cumberland Farms currently owns 241 Main Street, which is an existing 2300 square foot gas station/ store on the corner of Haverhill Road and Main Street. The site has been owned by Cumberland Farms since 1975. Building department records indicate the site has been a gas station since the seventies as Citgo. The last major renovations occurred in 1998, when I represented Cumberland Farms in obtaining site plan approval and Zoning Board approval of modifications to the site, which included a renovation of the existing building along with the addition of two more gas dispensers at that time. The adjacent property that we're talking about is 243 Main Street. That site includes an existing wood frame multi family 5 unit dwelling, parts of which have existed since 1880, with the last major addition coming in the 1970s to the rear of the property. At that time, the site was also used as a real estate office and other residential uses, but today it functions as a five unit multi family dwelling.

Both 241 and 243 Main Street collectively apprise approximately an acre of land, .95 acres to be exact. Gresham-Brown-Crowley is proposing to combine both parcels and to raze the existing buildings both on 241 and 243 Main Street and redevelop the site to include a proposed 4500 square foot retail convenience store. Also proposed is the reinstallation of 4 gas dispensers that would replace the dispensers that were formally in this area on 241 Main. The project also includes the addition of 21 parking spaces around the building along with three separate access points: one off Haverhill Road and two off of Main Street. This latter access point we believe closely aligns with the new CVS facility across the street on Main Street. Also, the new site will be entirely re-landscaped both along Haverhill Road and Main Street, as well as along the southerly portion of the property as well. The applicants met with the building inspector and also with the historical society, who determined that those buildings

were not significant historically. We believe what is required preliminarily a special permit for gas use, site plan review, as well as an ANR endorsement to combine both lots. We also have some design diagrams as well. You've received some information in your packages. I want to be sensitive to last minute submittals, but what we do have are two photos: one is of the existing condition and one is a photo simulation of what the design will entail, which we'd like to distribute to you. By combining the two lots, it will open up the circulation and provide more parking. The number of dispensers remains the same, just relocated to this area. The applicants are creating a more colonial design, more residential scale. They are trying to be consistent with what was done across the street on Main Street. We have a long way to go, but we just wanted to provide you with a flavor of what we have in mind.

Nipun Jain: We had discussions about the CVS project. On this project, the pertinent standards discussed with the applicant's team were their proposal for three curb cuts. I indicated to them that the zoning provisions do not allow three curb cuts. Part of the reason for raising that issue was also the proximity of the curb cut along Main Street close to the intersection. The Planning Board in its deliberation on the mixed use project across the street on the corner worked purposely to move any driveways away from that intersection, so that the traffic flow on Main Street is better for pedestrian safety and traffic flow. The second thing I talked about was the parking along Haverhill Road and how the parking needs to be outside of the setbacks. From this plan, it looks like you've eliminated the double parking and taken it outside of the setbacks. The third thing we suggested was to see if they can move at least some of the parking to the southerly side, given that there are an extensive amount of buffers on that side between any adjoining properties, and its also away from the curb cuts, so it helps pedestrian movement on the side as well as circulation patterns, and utilizes the driveway furthest from the intersection. The landscaping requirements are significant along public ways. There is some existing area along the Haverhill Road stretch where landscaping can be provided, but the issue becomes what landscaping can be provided along Main Street, so we had asked them to look at that and to provide more information as the plan develops. We also pointed out some setback requirements that they need to meet. I think that was part of the reason why some of the public parking should move to the southerly side, because there was some issue with the setback behind the building that they have to meet and we weren't sure at that time whether or not that setback could be met.

John Smolak: We had further discussions with the building inspector and determined that that setback on the westerly boundary is 15 feet, and the southerly boundary setback is 40 feet, and 20 and 20. So I think we've done as much as we can to meet the setback requirements in those areas.

Nipun Jain: There was one more issue that was discussed, which indicated to the applicant's team that it's a little premature at this point, which is about signage. The package had shown 5 signs, and I said that clearly that is what the bylaw allows, and that if you want to engage the Planning Board in that discussion, it may be later on in the process when the basic parameters, standards and site layout are discussed. We didn't spend too much time on the building design yet. First has to come site circulation and site layout with the Planning Board first.

John Smolak: The third access point, for purposes of tanker circulation, we felt this was the safest route for a tanker to enter and offload, then exit out. But we can talk more with the planner and city building inspector to see what we can do, and also take another hard look at curb cut options. For landscaping and parking, we originally had two sets of parking rows in this area, so we have to eliminate a row of parking while maintaining the parking along here. We are landscaping the entire perimeter. I think we've addressed the other items that Mr. Jain had indicated before, but again, we're here to listen to feedback to make it work best.

David Frick: It looks like the curb cut closest to the intersection needs to be eliminated.

Lou DeStefano, Bohler Engineering: We do have a traffic engineer. We wish to keep the fuel delivery vehicle as far apart from the day to day traffic is usually the best way to go. That's why we maintained the underground storage tanks in the northeast corner of the property to allow the fuel delivery vehicle to

sit in that portion of the site, out of the way, and exit onto Haverhill Road to continue on its path. That's the primary reason for keeping the third curb cut. It also works in conjunction with vehicular traffic as well, by providing another means of access and egress for customers using gas, the convenience store, or both simultaneously.

David Dragonas: Where would you envision tractor trailer trucks delivering to the convenience store parking?

Lou DeStefano: They would use the same pattern as fuel delivery trucks would. You are going to have very limited tractor trailer deliveries, other than soda trucks and fuel delivery trucks. All other delivery trucks are smaller cube vans, etc. which can cue in a 45 foot space near the trash receptacles, and your smaller delivery vans would use any typical parking space on the property.

Karen Solstad: Is the curb cut closest to Haverhill Road and the intersection the exact same location as it already is?

Leo DeStefano: It's pretty close, yes. The radius starts in the same spot, but is a little bit wider on the southern side.

Karen Solstad: I take a left onto Main Street from Route 110 heading south all the time. I almost got creamed by someone exiting Cumberland Farms. It is one of the most dangerous intersections. To me, it's a horrible location, and the middle school is a block away, with kids walking there. I suggest you put the curb cut as far away from the intersection as possible. Also, I know there is a slope behind the building. Are you going to be digging into that slope, or how far back does your property go?

Leo DeStefano: The building is set back about 16 or 18 feet from that westerly property edge. Yes, there will be some cut into the slope. We haven't gotten into the full design. There will either be a retaining wall or may use the rear portion for foundation of the building as a retaining wall. We'll get into that as part of the final design. There are some existing retaining walls on the westerly property edge that are going to remain, so we're not having a drastic impact on grading back there, but there will be a slight cut into that slope.

Karen Solstad: Is there going to be more of a cut on the new property that you're adding to this?

Leo DeStefano: The development on the southerly side of the property is pretty close to what you have there today, but there is an encroachment to the south. We will be using a little more of the combined properties than what is being used today, but it is being done to facilitate traffic, pedestrian traffic, etc.

Karen Solstad: Since this is abutting a residential neighborhood, and you have delivery trucks and trash on the residential side, I know that trash pickup at these places are often 4 or 5 A.M.

Leo DeStefano: I'm sure concessions can be made, if you want to condition and approval with certain timelines when deliveries/trash pickup **can** and cannot be made. That's not an issue.

Howard Dalton: The third curb cut would need a variance. It's not something we can just waive in.

David Frick: Two curb cuts, twenty four feet each is maximum, that's the rule.

John Smolak: That's something we want further discussions with the city planner and building inspector about. In terms of zoning ordinance, I didn't see a limit on two cuts. I saw a provision that states that the Planning Board may in some circumstances allow more than one driveway as part of the site plan approval process.

Nipun Jain: Did you see that in 11CA.1?

John Smolak: I see it in 11C8A.

Nipun Jain: I think that under the access and driveway, it says "only up to two curb cuts per property may be allowed."

John Smolak: We'll take a look at that and see what we can do.

David Frick: A lot of us frequent that store. It's a great spot but moving that entrance closer to the lights, with people trying to turn left it would block everybody. Having that cut down further would help. People might be able to pull out on a red light. Also, because you have people coming down Haverhill Road turning right on red there, the closer the curb cut is, the closer you put yourself in line of

those people turning onto Main Street.

Ara Sanantz inquired about having brick walkways to match what was put into the new CVS development across the street.

Lou DeStefano: We certainly can look at it. To date, we don't have any brick on this particular site. I think for this project, brick might look out of place. We tried to tie the building into the area residences with a Colonial feel.

Nipun Jain: It's important to know that it isn't just brick across the street. There is stamped asphalt / concrete surfaces also. It gives the impression of brick. You should probably think along those lines. There are many products out there that are cost effective yet improve the appearance to meet what the Planning Board is suggesting. So we can set up a time for further discussions.

John Smolak: We'd like that as soon as we can, so we can get the project moving. We'd like to be in the ground by the fall.

Chairman Dalton needs to leave at this point being about 9 P.M. Vice Chairman Ted Semesnyei will take over the meeting.

SITE PLAN REVIEW- SUMMIT AT BAILEY'S POND

Nipun Jain: The engineering review for the project has been completed by consultant BSC. Dominic is actually here for another project, if you had any questions. It was required at the last meeting that the consultant be present at this meeting since Planning Board had questions with the project and his review which included storm water. Second, we were waiting for some memo from the Conservation Commission, either from the commission signing off and issuing an Order of Conditions, or the memo from their consultant outlining what were the issues, so that the board can understand what it needs to take into its deliberation in making a decision on the project. Third issue was the architectural and building design. It was my understanding that we were going to have a meeting with the applicant's design team and two representatives of the Planning Board, namely Ted and Karen. I thought we were going to get a date for such a meeting that we'd coordinate, but it didn't happen. After talking to Sean, it would be best if we had a date for us to meet, if it is still our desire, they could bring the person at their office that is best to explain, or I suggested that they bring that person to the meeting tonight to give the Planning Board the opportunity to ask their questions of that person.

Ted Semesnyei: So before we get into the engineering and Conservation Commission issues, why don't we start there. I do recall that our brief discussion at last meeting centered on architectural issues and we discussed Karen and myself be a design review subcommittee, so if the applicant could address that aspect of it, let's start there. The Planning Board believes the architectural features of the project are very important to us, so we wanted a design review subcommittee meeting with the applicant here to meet with your consultants. Seems there was miscommunication as to who was going to set that up. Let's start off by clarifying that.

Sean Malone, Oak Consulting Group: With me is Don Seeburg, Benchmark. One item discussed last time is this wall here and why it doesn't have a window. We have floor plans. Reviewing those, this area is a closet, a bathroom, and a master bedroom, so that is why there are no windows on that wall. Secondly, quite honestly, we were anticipating a memo or something from the board asking or outlining what some of the architectural questions were. I believe the chairman had mentioned at the last meeting, so we don't have anything more on that. We're willing to work with the board on these things.

Ted Semesnyei: So would you be willing then to hash out a lot of these minute questions in a design review subcommittee meetings or working groups? Are you open to setting up a date right now to get some questions answered?

Sean Malone: Absolutely. I think we expressed that previously. Let us know the day and time.

Nipun Jain: So based on your schedule, the evenings being best. Would a Tuesday, Wednesday or

Thursday work for you? Ted can do an evening, Karen needs notice to clear it with her calendar. Sean said Tuesday or Wednesday is best for him, and of the two, probably Wednesdays would be ideal. Ted and Karen agree Tuesday next week, either 6:30 or 7:00 P.M.

Don Seeburg, Benchmark, speaking from the audience, explained the architect would not be there. The architect currently working on these buildings is not designing them. I can certainly go over major concerns. It is usually the owners that decide the flexibility of design.

Karen Solstad: I guess a concern I have and have expressed many times over however long we've been meeting on this project, is that you sort of have one design that you seem to build everywhere, regardless of the property. This is a real gateway to Amesbury and a beautiful site with unique topography. All we've heard all along is "this is what we have. This is it."

Don Seeburg: We aren't going to change the buildings. If there is something you can see from the outside or whatever, I'm certain I could look at that.

Karen Solstad: This has been a major concern from day one. Up and down this table, the board has expressed this concern. You are coming in here with a cookie cutter that belongs behind Walmart in Salem, or behind a super mall in another town.

Don Seeburg: I can't tell you that is going to change at this juncture. You're right. This has gone on a long time, but we've never said we were going to change the building.

Karen Solstad: And we've told you from the beginning that the design has problems.

Ted Semesnyei: On the record, let me just say that we are making an effort here as a planning board to work with you, and to meet next week to talk about these issues. So are you saying it would be a waste of time?

Don Seeburg: The design itself is not changing.

Nipun Jain: I suggest at this point that what we can do is, once we set a date and time, that if you two members can identify either global aspects of the building designs or any specific aspects of the building design that you would point out to the applicant. If the answer is going to be no from the applicants on all of those, then its going to be no and you can bring that back to the Planning Board. If it's going to be yes, then its yes.

Stephen Dunford: Because this was brought up way before I was here, am I allowed to vote on this?

Nipun Jain: Yes.

Ted Semesnyei: In the interest of moving forward, lets move on to some of the other issues.

Sean Malone: One more thing, if we did get comments prior to the meeting on Tuesday that we could prep for one way or another, that would be helpful.

Nipun Jain: Remember that the issue is not "can you move this window to that side." I think we are much more global. It's a design philosophy issue that I can read from comments so far, is that its been building style, the window style, the door style, some of the projections, how you treat the staircases...so its not tweaking as Mr. Seeburg is saying. It is more a serious design discussion on the building architecture. I think this was brought up way back and I recall you guys saying, "no, this is what you get, take it or leave it." So, the two members will try to get questions down on paper to get you prior to the Tuesday meeting.

Karen Solstad: We really haven't been presented with a whole lot of stuff.

Nipun Jain: I will get you both what I have in the file. We do have detailed floor plans, detailed building elevations. I will send all that out to all the members again so you are fresh on what was submitted.

Tom Seeburg added a comment from the audience that is not intelligible on the recording.

Ted Semesnyei: We'll move on to the review of engineering. We have our consultant here. I'd be interested in hearing what he's found.

Dominic Rinaldi, BSC Group: I reviewed the submission for compliance with site plan review requirements, as well as engineering storm water design. I have two dated Jan. 31, 2013: one for storm

water and one for engineering and Planning Board review. Also there is a review from Sept. 28, 2012, on traffic, with a couple minor traffic clarifications that we have not received additional information on yet.

We did the initial review last September, 2012, in three separate parts: traffic, storm water, and general engineering and Planning Board zoning elements of the project. We issued review letters on September 28, 2012 and subsequently in January of 2013 we received some additional information on storm water revisions and general site revisions, which we reviewed. The big changes on that day, they addressed basically all of the storm water comments that we had to our satisfaction, as well as changes to the site design came down to a few items, one of which was to create a water loop on the smaller node, I believe its building 1 through 9. They've agreed to actually bring the water under the stream with the sewer and connect it to the water loop on the larger node. Prior to that, just because there's limited mains on Summit Avenue, they actually had a dead end system, so that is a big improvement on water quality and pressure. The other major design change had to do with pedestrian circulation, access, added walkways, and separated the distance between pedestrians and vehicles on the site to improve safety. The third big one was on the smaller node, before this had been a series of 6 foot high retaining walls. There is now one small 6 feet high retaining wall here, followed by a reinforced one-to-one vegetated slope. I still have a couple questions about the overall design of that. It does reduce the impact of walls over the area. It's a reinforced vegetated slope. It's still in theory, actually. For the record, it can be done, it's just how will it gets done. It has to be done appropriately.

David Frick: How unusual is it to have a 45 degree slope in a residential area?

Dominic Rinaldi: It isn't common and everyday, but it certainly is not unusual in the sense of them breaking new ground here. Certainly its something, when you can, you try to avoid it. It costs more to do a reinforced slope than if they could go to a 3 to 1 slope or something and just be able to seed it.

Karen Solstad: How do you maintain a 1 to 1 slope? That's very steep?

Dominic Rinaldi: It depends on what the engineering design is. They are usually mowed once a year with a boom mower reaching up to cut vegetation to keep it at a moderate growth level.

Nipun Jain: If I recall, we had a brief discussion on whether it was to be a stone face or have grass on it. You had said there was going to be a grass cover on it, which would have to be maintained. Is that still the design intent?

Sean Malone: Yes, it would be vegetated, it wouldn't be stone.

David Frick: What is the slope of the land right now?

Sean Malone: It varies from 2 to 1 slope that softens to maybe a 3 to 1 slope.

David Frick: What is the purpose of creating a 1 to 1 slope vs. not going there? Isn't it silly to create a problem?

Sean Malone: Well, the purpose is to get up to existing grade as quickly as possible to maintain the existing vegetated buffer closest to the roadway, ergo, across the street from the abutters. That is what the intent is. It also takes away the need for having a series of tiered retaining walls as we previously did.

Nipun Jain: Part of it also is this was quite a ways back and we were discussing the site layout, it came down to "can we reduce the density?" Because the applicant's desire was to have nine buildings in that pod, it has to provide access to those. Given the footprint and the way the footprint is designed, it's very rigid and can only be accessed; you cannot turn it around, the four units in one structure. So there is a certain amount of inflexibility which then requires access from only specific areas. So yes, it has to do with the number of units, number of buildings and access to those. Given that that is what the applicant wanted on the smaller pod, we had then asked them to look at how could you achieve that goal by still reduce the impact on existing vegetation, on the slope stabilization and not do the stabilizing walls that they were proposing.

That is when they came back with the engineering solution of a 1:1 slope.

David Frick: And what's the length of this 1:1? How long does it run for?

Sean Malone: It varies. The longest portion is about 30 feet.

Karen Solstad: So the homeowners association will pay someone to come in with a big boom and mow it?

Sean Malone: Yes.

David Frick: Why doesn't the builder just say that he wants to stay away from that and just build a few less buildings? I don't even see how it is cost effective.

Don Seeburg: There was a vote taken about a year ago about the density and you agreed on the density we're proposing. I thought we were past the number of buildings. There was a motion made, they said lets get past this, it is what it is, this is the density and you agreed on the density.

David Frick: We haven't had all the engineering review done, along with a whole bunch of things, and to me, a slope like that, I think its untenable. You can agree on a slope if it's a flat field and there aren't a number of other conditions for the units, over on Pleasant Valley Road, the runoff issues we have there are tremendous. I have to ask the engineer how we can create greater slopes and put in all this pervious pavement and buildings, and we've already got sand there, which is supposed to hold stuff really well, and that sand sounds like it will be under the pavement or something. How are you going to get less runoff, or no more than before? I find it hard to believe. Dominic, can you address that?

Stephen Dunford: Since we're going to have a special meeting Tuesday night, can we just address this at that time? It's ten o'clock.

Nipun Jain: That's only architecture. It's also not a public hearing, so we can't.

David Frick: Our only option, if we don't want to discuss this tonight, is to continue the hearing. But I do wish to have Dominic address the question: are you telling me you reviewed this, and there will be no more runoff to Pleasant Valley Road and out from overflow from the pond than there is today?

Dominic Rinaldi: Based on the calculations that we were given, which were done in accordance with all applicable regulations and engineering standards, they meet the regulations. They are not increasing the peak runoff rates.

David Frick: Where does all that water get retained in a storm?

Dominic Rinaldi: One of the things that they did, which is probably the single biggest item that they did, they're infiltrating up to the hundred year storm from each building roof. They have underground infiltration systems off the downspouts into an arch chamber systems adjacent to each building that are sized to carry the hundred year storm.

David Frick: How much water would that take over how much of a time period?

Dominic Rinaldi: Six and a half inches or so.

David Frick: In the last ten years, we've had one storm that dropped thirteen inches in 24 hours, and we had another that dropped 22 inches in three days. That would probably inundate those systems and all be running off worse than it has thus far, creating worse damage than we've seen already.

Dominic Rinaldi: I can't speak on anything but the hundred year storm calculations. I can tell you that DEP has started looking at is the idea that the hundred year storms seem to be turning into fifty year storms, twenty five year storms, etc. They are looking at re-evaluating what those numbers are, what the impacts are, and possibly re-evaluating how they look at them.

Karen Solstad: In between some of the buildings are little bio-retention areas. How do those systems work when the ground is frozen?

Dominic Rinaldi: I believe they all have overflows. They have an area drain that sits somewhere between 6 to 10 inches above the bottom. So in those periods, if the ground is frozen, it will come down and run into the area drain.

Nipun Jain: Bio-retention areas are to pre-treat before water is discharged into the ground or elsewhere. In winter, when the ground is frozen, it will not be treated. It will overflow into the overflow pipes into the system. The overflow pipes are connected to the overall drainage system.

Karen Solstad: Who will maintain all these systems so that they continue to operate properly, and if there are any problems, they will be taken care of immediately? Once we approve this plan with these systems, we have no control over maintenance, functioning, if a homeowner fills them in?

Nipun Jain: That will always be the case in a situation like this where you have an ability to review and approve, you have some say. But some of the techniques being used here are used in developments where there is no review, so you can't even assess that. If the concern is that there will be systems designed to operate with a certain amount of maintenance, how do we ensure that they will be maintained? Essentially, there are two mechanisms. If there is an impact due to the lack of maintenance on either public resources or abutter resources, then those affected groups have the ability to talk to Conservation Commission about the fact that there is an impact, which makes it a violation of either storm water operation and maintenance plan, or the certificate of compliance that may have been issued. So Conservation Commission can issue a violation against the homeowners association, or if it is an individual, then they can go after them. That's how it gets enforced. The other option is to write to DEP, and they can step in and monitor the situation. There are no other ways to enforce maintenance.

David Frick: This could cause another huge wipeout of Pleasant Valley Road, perhaps into the Hat Factory?

Nipun Jain: If what the proposed storm water mitigation is in the best interest of the neighborhood and the city. If you believe the design as presented and reviewed may not mean some of the concerns you've expressed today, then you have the ability to either approve a project with conditions that you feel will support and address your concerns, request a modification or disapprove the project. You take all of these bits of information and then decide if the impact of all of those items are significant enough to require some changes or disapproval of the project.

Ted Semesnyei: Are we waiting on any information from Conservation Commission?

Nipun Jain: Site plan review performance standards require that the Planning Board review impact on environmental resources. If an application is filed with Conservation Commission, then we delegate the review of those designs to Conservation Commission or to their consultant. I believe a lot of the review has been completed. There were some aspects in the last memo from Conservation Commission's consultant that both the applicant and Conservation Commission were waiting to resolve by way of a site visit, but that was delayed due to weather conditions and site conditions. I believe said site visit took place three weeks ago, and I have not been in touch with John Lopez, who may have received something from BSC. So either the Planning Board can move forward having an incomplete review of that aspect (which they have chosen not to) or they can complete that and get it going.

Dominic Rinaldi: Clarifying the maintenance issue, one thing on the Conservation Commission side is if the Conservation Commission does issue an Order of Conditions for this project, one of the standard conditions is that the property in perpetuity will be held to the operations and maintenance plan that was included in the storm water report. Its not a perfect solution, but perhaps the Planning Board could include a similar condition. Bio-retention areas is relatively inexpensive for maintenance. You clean them out, check them, be sure vegetation is healthy, clear out sedimentation, etc. The chambers holding roof water are very low maintenance. They have inspection ports to be checked periodically.

Sean Malone: I would estimate maintenance costs would be around five to ten thousand dollars a year.

Dominic Rinaldi: Regarding Conservation Commission review in coordination with the Planning Board review, what we wanted to get across is that we don't want to delay any aspects of this review for that. To keep this moving forward, we want to go forward while Conservation Commission is sorting out their issues.

Motion to continue this hearing to May 13, 2013 by David Frick. Motion is seconded by David Dragonas. Nipun Jain pointed out that we have five members seated on this hearing who would be voting on site plan. So it will be four on May 13 due to Mr. Dragonas not being present that night. So we'd need all of the other four to vote. Applicant can decide on returning May 13 or waiting for June.

Applicant chooses May 13. Vote by board was all in favor.

ADMINISTRATIVE:

206 LIONS MOUTH ROAD

Requesting release from restriction placed on Lot 9 for occupancy/sale. At last meeting, application requested release of all lots without restrictions so he could move forward with sales. At that time, the planning office gave you some of the concerns that the legal division had, as far as the deeds and legal documents. We have received those documents, most have been approved. Another update on that project is the applicant provided documents on the open space deed to the city, which now goes through the process of acceptance by Municipal Council. Other documents pertaining to engineering reviews have been submitted by Dominic. He is on board with where construction stands. Dominic can speak to how they are cooperating on site inspections. Dominic compiled a list of things: 25 % of sidewalk on Quimby Lane and sidewalk on Lions Mouth Road, street trees, plantings in front of houses have to go, rear yard buffers have to be completed, driveways need paving, aprons in process of being laid out but are framed, the other site work: granite posts for lamps are up, lights need to go up, some storm water work to be done per resolution of the enforcement order from Conservation Commission. Applicant has a series of actions that BSC has endorsed. Developer believes all items will be complete in next 3-4 weeks. Developer is here to answer questions or clarify.

Karen Solstad: The walkway and the bridge are both lacking.

Dominic Rinaldi: The only other thing I had was the question of the trail, what its supposed to be vs. what it is, which seems to be an open question.

Nipun Jain: When we approved the project, the plans indicated / showed a trail. There was no detail in the plans at that time. All we had was a general location. Then when we went into construction, there was no sense of direction, so the developer did what he thought was an appropriate trail with input on the bridge from Conservation Commission, but the bridge is fine.

Motion by David Frick to release lot 9. Motion is seconded by Stephen Dunford.

Abutter Ross Bartosi, 202 Lions Mouth Road: My concern is the sidewalk. I assume it is going in soon? (yes). Also, my fence. Who is responsible for moving the fence?

Applicant Buzz Couillard said he will take it down and work with abutter.

Vote for releasing lot 9 by the board was unanimous.

Motion to adjourn by David Dragonas. Motion is seconded by Steve Dunford.

Meeting is adjourned 10:40 P.M.